

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

|   |   |                                 |
|---|---|---------------------------------|
| -----   | X |                                 |
| LAUREN E. SUMMA, on behalf of herself                 | : |                                 |
| individually, and on behalf of all similarly situated | : | Case No.: 07-CV-3307 (DRH)(ARL) |
| employees,  | : |                                 |
|   | : | <b>ECF Case</b>                 |
| Plaintiff,  | : |                                 |
|   | : | <b>AFFIDAVIT OF JACK HAYES</b>  |
| against   | : |                                 |
|   | : |                                 |
| HOFSTRA UNIVERSITY                                    | : |                                 |
|   | : |                                 |
| Defendant.  | : |                                 |
| -----   | X |                                 |

STATE OF NEW YORK    )  
                              :  
COUNTY OF NASSAU    )

JACK HAYES, being duly sworn, deposes and says:

1. I am Director of Athletics for Hofstra University ("Hofstra"). I have held this position for three and a half years. I make this affidavit, based upon personal knowledge and information and, as to matters with respect to which I do not have direct knowledge, upon a review of documents and records in the possession of Hofstra.

2. As Director of Athletics, I have general oversight for the Athletic Program and athletic department including Hofstra's athletic teams. I also supervise the employees in the department which include coaches and assistant coaches for the various sports teams.

3. There are 18 different Division I teams within the athletic department, all of which are subject to National Collegiate Athletic Association (NCAA), Colonial Athletic Association (CAA), and University rules and regulations.

4. Each team has different needs depending on the number of student athletes, type of sport and spectator appeal and participation.

**Extracurricular and Training Opportunities**

5. Within the athletic department, a number of extracurricular opportunities are offered, including athletic team manager positions, which are not traditional jobs, but rather opportunities to participate on a volunteer basis in the athletic department. Each of these positions has unique and distinct responsibilities which vary by sport, size of the team and other factors.

6. The purpose of these positions in our department is to give students an opportunity to be involved with the athletic program and to gain operational experience about how athletic teams are run. This provides exposure to the overall running of an organization as opposed to a narrow focus on a particular discipline which might be available through a different type of opportunity.

7. The stipend is not compensation. Rather it is intended to cover incidental expenses that might arise in connection with the particular activity. For example, with the Team Manager positions, a student might miss a meal because of a late practice. The stipend would cover the cost of the meal. The student might also decide to buy sneakers or sweats to use at a practice. The stipend would cover those purchases. The Team Managers generally travel with the team. The stipend does not cover items such as meals at away games which are provided and paid for by the team.

8. The Team Manager assists the coaches and the team before, during and after practices. This assistance could include some or all of a diverse set of tasks including: (i) helping, organizing and scheduling practices; (ii) arranging the logistics of travel arrangements for the team, the cheerleaders and team supporters; (iii) attending to the team's video and

technical needs; (iv) attending to the team's medical and training room needs; and (v) attending to the team's equipment room needs.

9. Being a Team Manager adds to the professional development of the students who hold the position in several ways. It provides a broad insight into how a team runs and enhances communication skills through the student's interaction with managers at other schools as well as with hotels, restaurants and other service providers. In addition, the Team Manager position provides career development by supplying valuable resume enhancement due to the varied nature of the operational duties performed.

10. The Athletic Department also offers hourly paid positions, which consists generally of office duties, i.e. answering phones, filing papers, etc. but such jobs do not expose students to the operational experience of how a team functions and balancing the multiple responsibilities involved in running an organization.

#### **The Football Team Manager Position**

11. Included among the teams fielded by Hofstra is the football team. The football team has a team manager opportunity.

12. The Football Team Manager position is not a stand-alone position. The duties performed by the Football Team Manager would otherwise be performed by an existing employee or the student athletes.

13. The position of Football Team Manager exists to train students, provide them with the opportunity to work with student athletes and coaches, improve their communications and interpersonal skills, and experience sports team management in a real-world setting.

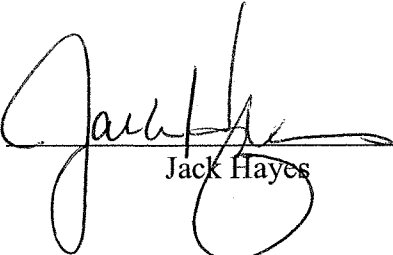
14. Among individuals who have held the Football Team Manager position, the level of responsibility has varied by individual based on that individual's skills and abilities.

15. Lauren Summa, Emily DeGaglia, Dawn Sumner and Lynn Ann Sumner all were Football Team Managers. They did not serve as Team Managers for any other sport, nor were they undergraduate or graduate hourly paid student employees for the Athletic Department.

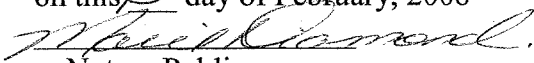
16. Because of the differences in the teams, the duties of a Football Team Manager cannot be equated with a manager for any of the other sports teams. The duties are unique to the Football Team. For example, the Football Team Manager is primarily responsible for assisting at practices. He or she sets up the field, brings out the equipment, arranges the locker room before practices, and calls out the routines during practice. At away games, the Football Team Manager does things like order pizza for the student athletes to share in their hotel rooms.

**Team Manager Position At Other Institutions**

17. I have worked in the Athletic Department at several Division I schools. It is common practice to offer these positions as extracurricular and professional development opportunities to students.

  
Jack Hayes

Sworn to and subscribed  
on this 15 day of February, 2008

  
Notary Public

MARIE DIAMOND  
Notary Public, State of New York  
No. 4892879  
Qualified in Nassau County  
Commission Expires 5-4-11